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SENATE BILL 291 By
Harper

HOUSE BILL 412
By Bowers

AN ACT to enact the Tennessee Pregnancy HIV Screening Act of
1997.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and cited as the "Tennessee HIV Pregnancy
Screening Act of 1997."

SECTION 2. The purpose of this act is to require all providers of health care services to
counsel pregnant women regarding HIV infections and, except in cases where women refuse
testing, to test these women for human immunodeficiency virus (HIV) and to provide counseling
for those women who test positive.

SECTION 3.

(a) A provider of health care services to pregnant women shall counsel each
pregnant women in his or her care, as early as possible in the course of the pregnancy,
with written material or videos that explain and provide information on:

- (1) The nature of the human immunodeficiency virus (HIV);
- (2) The methods by which HIV infection can be transmitted;
- (3) The medical treatment available to treat HIV infection if diagnosed
early;
- (4) The reduced rate of transmission of HIV to a fetus if an HIV-infected
pregnant woman receives treatment for the HIV infection;

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(5) The advantages of being tested for HIV infection as early as possible in the course of the pregnancy;

(6) The reliability of tests for HIV infection; and

(7) The confidentiality of test results and the woman's right to refuse HIV testing.

(b) A pregnant woman under the care of a health care provider shall be given the opportunity to refuse HIV testing in writing after she has received the counseling and information specified in subsection (a).

(c) A health care provider shall arrange for each pregnant woman under his or her care to be tested for HIV as early as possible in the course of the pregnancy, unless the woman has refused testing in writing after having received the counseling and information specified in subsection (a).

(d) A pregnant woman who presents for delivery and who has not been tested for HIV during the course of the pregnancy shall be given the counseling and information specified in subsection (a) as soon as may be medically appropriate and, unless she refuses in writing after receiving that counseling and information, shall be tested for HIV as soon as may be medically appropriate.

(e) Notwithstanding any other provision of law, if the counseling and information specified in subsection (a) have been provided, then no specific consent is required for HIV testing under this act. All HIV testing performed under this act shall be done in a confidential manner and the results of the testing shall be disclosed only as provided by law.

(f) After receiving a positive HIV test result from a testing laboratory, the health care provider shall arrange for a counselor who is competent in counseling pregnant women and new mothers with HIV infection to be present at the time the health care

provider discloses the positive test result to the woman tested under this act. The counselor shall:

(1) explain the meaning and reliability of the test results and the availability of additional or confirmatory testing, if appropriate;

(2) Counsel the woman to obtain appropriate medical treatment for herself and her baby and inform her of the increased risks to her baby if she fails to obtain appropriate treatment;

(3) Make available information concerning the available medical interventions to prevent onset of illness in the mother and to prevent transmission of HIV to her children; and

(4) Arrange for additional counseling in order to assist the woman in obtaining access to a comprehensive clinical care facility that can meet her needs.

SECTION 4.

(a) Each health care provider having pregnant women under his or her care shall report to the Tennessee department of health on a monthly basis the total number of women under his or her care who were tested for HIV under Section 3 of this act and the total number of such women who tested positive. The reports shall be made on forms to be prescribed by the department. Each month the department shall compile the reports and publish the total number of women tested and the total number of women testing positive in the previous month for the entire state and for each county.

(b) The Tennessee department of health shall make available to all health care providers in this state guidelines and information regarding the recommended content of the written materials, written refusal form, and counseling referred to in this act.

SECTION 5. For the purpose of promulgating rules pursuant to Title 4, Chapter 5, as may be necessary to effectively implement the provisions of this act, the provisions of this act

shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 1998, the public welfare requiring it.